IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:- 13.12.2005

Coram:-

The Hon'ble Mr. Justice P.SATHASIVAM
and
The Hon'ble Mrs. Justice CHITRA VENKATARAMAN

Writ Petition No.13685 of 2001

1. Union of India, rep.
by the Chief Secretary to
Government,
Government of Pondicherry,
Pondicherry.

2. The Inspector General of
Police,
Pondicherry. .. Petitioners

vs.

1. G.Ilango

2. Central Administrative Tribunal,
Madras Bench, rep. by its Registrar. .. Respondents

Petition under Article 226 of the Constitution of India for the issuance of a Writ of Certiorari to call for the records in O.A.No.P.27/99 dt. 13.3.2001 on the file of the second respondent herein and to quash the same.

For petitioners : Mr.Syed Mustafa,
for Govt. of Pondicherry.
For Respondent-1 : Mr.M.Gnanasekar

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O R D E R

(Order of the Court was made by P.SATHASIVAM, J.)

Aggrieved by the order of the Central Administrative Tribunal, Madras Bench, dated 13.03.2001, made in Original Application No.P.27

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of 1999, the Pondicherry Administration has filed the above Writ Petition.

2. Heard learned Government Advocate appearing for the Government of Pondicherry as well as counsel for the contesting first respondent.

3. The first respondent herein was appointed as Police Driver on 10.03.1970 and thereafter promoted as Head Constable (Driver) in 1995. On 20.05.1993, a charge memo was issued to him. The charges framed in the said memo are as follows:-

> "HC (D) 690 G. Ilango has a wife by name Saroja, D/o.Utirapathy of Annavasal, Nedungadu. She is a Balvadi Teacher and married Ilango during the year 1977 at Cuddalore Registration Office. One male boy by name Praveen Kumar was born to them. She is belonging to S.C. H.C.(D) 690 G.Ilango has then married his uncle's daughter Anjammal, D/o.Vadivelu of Oziapathu, Neravy in the year 1978 at Swamimalai to whom one male child Prathaban and female child Pravina born. "

Based on the charge memo, an enquiry was conducted. The first respondent participated in the enquiry proceedings. Amongst other persons, one Saroja, who, according to the Department, is the first wife of the first respondent, was enquired by the Enquiry Officer. The Enquiry Officer submitted a report holding that the charge as against the Head Constable (Driver) was proved. Accepting the same, the Disciplinary Authority passed an order, dismissing the first respondent from service. Appeal filed by him came to be dismissed by the appellate authority on the ground of limitation. In such circumstances, he approached the Central Administrative Tribunal by filing O.A.P-27/99.

4. The Tribunal considered the matter in detail. After finding that only in the Birth Certificate issued by Karaikal Municipality, there is a reference to the name of Anjammal, who is said to be the second wife of the applicant, and in the absence of any oral evidence in support of the same, taking note of the statement of Saroja in the enquiry, the Tribunal accepted the case of the applicant/first respondent herein and found that there is no evidence to establish the charge against him and set aside the orders passed by the original and appellate authorities.

5. We have also perused the enquiry proceedings, which are available in the typed set of papers and also the order of the Tribunal. Except the Birth Certificates relating to Prathaban and

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Pravina, wherein the name of Anjammal finds place, no other material is available to conclude that the applicant/first respondent married Anjammal as his second wife. The Tribunal, on verification of the above materials and the enquiry proceedings, arrived at a conclusion that the charge against the applicant has not been proved. In view of the factual findings of the Tribunal, which are based on proper appreciation of the oral and documentary evidence, in the absence of any other material before us, we are not inclined to interfere with the order of the Tribunal.

6. Writ Petition fails and the same is dismissed. In view of the dismissal of the Writ Petition, the petitioners herein are directed to implement the order of the Central Administrative Tribunal within a period of four weeks from the date of receipt of copy of this order.

JI.

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

1. The Registrar,
   Central Administrative Tribunal,
   Chennai.

2. The Chief Secretary to the Union
   of India,
   Government of Pondicherry, Pondicherry.

3. The Inspector General of Police,
   Pondicherry.

+1 CC to Mr.M.Gnanasekar, Advocate, SR No.48784

NG(CO)
BG/20.12.2005

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